

# The Research Review

PUBLISHED BY THE RESEARCH DIVISION OF THE TENNESSEE HOUSE OF REPRESENTATIVES

April 20, 2006



Wednesday, April 19, 2006. Rep. Joe Towns and members of the Shelby County Delegation led the House in congratulating the University of Memphis Tigers on a spectacular football and basketball season. Among those pictured are Dr. Shirley Raines, President of the University, and Head Football Coach Tommy West.

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The **House Agriculture Committee** is closed subject to the call of the chair.

The **Children & Family Affairs Committee** met this week and heard the following bills:

**HB 3122 (Hood)** as amended requires employees of county child or adult protective services agency who gain knowledge of an animal that is the victim of cruelty, abuse or neglect to report the behavior to the appropriate authorities. This bill **passed to Calendar and Rules**.

**HB 3143 (DuBois)** was amended to rewrite the bill to allow juvenile courts to incorporate the parenting plan in cases in which they deem appropriate. This bill also allows the juvenile court to utilize funds with regard to the parenting plan. A second amendment to the bill specifies that DCS will not be required to participate in mediation or dispute resolution with regard to the parenting plan, as well as facilitate or prepare any permanent or temporary parenting plan. This bill **passed as amended to Calendar and Rules**.



Rep. Strader

**HB 2763 (Strader)**, which deals with grandparents' rights in regard to the adoption process was **sent to a summer study committee**.

The following bills were deferred one week:

**HB 2604 (Tindell)**

**HB 3326 (S. Jones).**

The **Domestic Relations Subcommittee** met on Tuesday,

April 18<sup>th</sup> and heard the following bills:

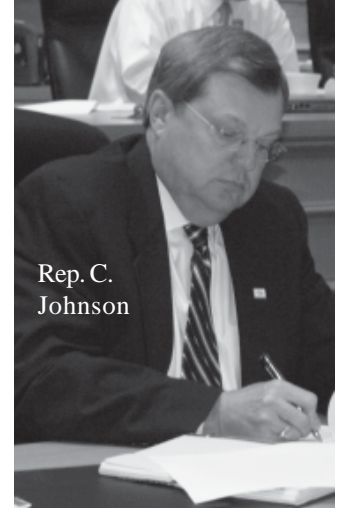
**HB 1961 (Stanley)** removes the requirements that a guardian ad litem follow Tennessee Supreme Court Rule 40 in child custody and visitation cases. Supreme Court Rule 40 sets guidelines for guardians ad litem for children in juvenile court neglect, abuse and dependency proceedings. This bill **passed to full committee**.

**HB 889 (Crider)** was taken off notice.

The **Family Justice Subcommittee** met on Tuesday, April 18<sup>th</sup>, and **the following bills were passed to full committee**:

**HB 2889 (Crider)** as amended allows non-custodial parents to choose a stepparent or grand parent to exercise non-custodial parents visitation rights in the event that the non-custodial parent is unable to do so due to military service.

**HB 3044 (C. Johnson)** as amended states that a parent's absence from the state or failure to comply with custody or visitation orders due to active military service may not be considered contempt if service prevented that parent from being able to comply with custody or visitation orders.



Rep. C. Johnson

**HB 3230 (Crider)** as amended adds the discretion to require a person who fails to comply with a child support decree to remove litter from state property as well as maintain indoor and outdoor areas of public buildings or to work in a recycling center or other appropriate location for any prescribed period of time. This is done in lieu of or in addition to any of the penalties otherwise provided.

**HB 3605 (Stanley)** clarifies that a permanent guardianship order is to specify the extent of information shared between the parents and the child, not relatives and the child.

**HB 3983 (McMillan)** as amended creates a division of juvenile justice within the Department of Children Services

**HB 3826 (L. DeBerry)** as amended creates a study committee with an emphasis in juvenile court cases and records use for purposes of research relating to the activities of the Council of Family and Juvenile Court Judges.

The following bill was taken off notice:

**HB 2767 (Hackworth)**

## Full Committee

The **Commerce Committee** met Tuesday to consider 11 bills.



Chairman Hargrove  
Vice Chair Curtiss

## Bills Moved to Calendar and Rules:

**HB 3077 (Curtiss)** – This bill authorizes the Elevator Safety Board to accept for use new elevator technology if it has already been accepted for use by the American Society of Mechanical Engineers' code for elevators and escalators.

**HB 3951 (Briley)** – This bill makes it illegal for the owner of property to receive a kickback from a towing company when the towing company hauls a vehicle off the land of the property owner.

**HB 4044 (McMillan, Yokley)** – This bill changes the requirements of the makeup of the Real Estate Appraiser Commission. It clarifies that a member of the board must be a full-time educator of appraisal-related education.

**HB 3167 (Winningham)** – This bill deletes the January 1, 2006 sunset on Public Chapter 409 of the Public Acts of 2003. This chapter aimed to decrease the process contractors must undergo to construct homes in the smallest counties in the state by letting these contractors who live in these smallest counties build houses in their home counties without taking the contractors' examination or sending in a financial statement. This bill would let these contractors continue to construct homes unless their license is revoked or suspended.

**HB 2866 (DuBois)** – As amended by the committee, this bill resolves issues that arose under last year's "Residential Closing Funds Distribution Act of 2005." It clarifies that teller's checks are valid payment for closing costs; and it also clarifies that loans made to land developers are not subject to the provisions of last year's act.

**HB 2849 (Curtiss)** – This bill, amended by Commerce, makes clarifications to the one-call system for underground utilities. It deletes the exemption that currently exists so that someone must call the system if digging holes for fence posts on their property. Further, it stipulates that some utilities

might not have to paint the ground for underground lines if their location can be determined over the phone using landmarks. It also gives the one-call system the ability to make contact through electronic methods if this is more convenient.

## Bills Moved to Finance, Ways, and Means:

**HB 640 (Favors)** – This bill, as rewritten, instructs TennCare to reimburse for a doctor's services performed at a federally qualified health center from the date that the doctor's credentialing application is received at the MCO for review, instead of from the date of approval. It was further amended to ensure these provisions do not violate the standards of the National Committee for Quality Assurance, if so, no reimbursement will occur.

## Bills Rolled One Week:

HB 956 (Hargett)  
HB 3849 (Fitzhugh)

## Bills Rolled to the Last Calendar:

HB 2843 (Curtiss)

## Bills Deferred to Summer Study:

**HB 3333 (McCord)** – This bill, as amended, would split the current contractors' board into two separate boards, one focused on residential building contractors, the other on general commercial building contractors. The committee moved this to summer study to look at the effects of this legislation on the contracting industry.

## Small Business

The **Small Business Subcommittee** met Tuesday to consider the 6 bills on its calendar. Next week will be the subcommittee's last calendar. It will meet at an alternate time for more time to finish the subcommittee's business.

## Bills Moved to Full Committee:

**HB 2775 (Johnson, P.)** – This bill, as amended by Small Business, increases the background check requirements for security guard personnel. Previously, security guards only had to undergo local background checks; yet, under the provisions of this bill, they will have to undergo nationwide background checks. This bill also increases the requirements to be a trainer of security guards.

**HB 1565 (Overbey)** – This bill, rewritten by the subcommittee, increases from 15 to 30 days that a dealer is eligible to register a protest with the Motor Vehicle



# Commerce

Commission if a vehicle manufacturer is going to put another dealer within the geographic market area to compete too closely with the already established dealer.

**HB 4031 (McMillan, Cobb)** – This legislation, rewritten by Small Business, aims to decrease the time that an unarmed security guard is on the job without having completed the necessary training. An applicant must still undergo the training necessary before the Department of Commerce & Insurance will issue the necessary registration for the guards.

## Bills Rolled One Week:

HB 4027 (McMillan, Hackworth)

HB 567 (Towns)

Ind. Imp. Chair McKee



## Bills Taken Off Notice:

HB 401 (Shepard)

## Industrial Impact

The **Industrial Impact Subcommittee** met Tuesday, and had 23 bills on its calendar and addenda. Industrial Impact Subcommittee anticipates closing in two weeks. Its Calendar on

Mandates is anticipated to be heard in one week, with its final calendar being the next week.

## Bills Moved to Full Committee:

**HB 3084 (Litz)** – This legislation changes the present laws regarding county mutual insurance companies. It would extend regulations currently applied only to county mutual fire insurance companies and extends them to all county mutual insurance companies in the state. Industrial Impact amended the bill and passed it to full committee.

**HB 3080 (Curtiss)** – This bill, as rewritten by the subcommittee, redefines and clarifies the obligations of a real estate agent as working on behalf of their client.

**HB 3583 (Jones, S.)** – This bill requires the Department of Commerce & Insurance to contract with a non-profit entity to disseminate information to assist individuals in obtaining health care coverage; in the use of appeals if they have a dispute with their insurer; and, in the interplay between different types of coverage available and TennCare.

**HB 2880 (Hackworth)** – This bill, rewritten by Industrial Impact, establishes a two-year pilot program within the Department of Labor & Workforce Development in their subareas 4 and 11. They are to operate this pilot program in conjunction with the Departments of Finance & Administration, the Department of Health, and the Department of Education. The program would encourage the department to use existing educational resources to get TennCare patients to train for careers in health care.

**HB 3669 (Davidson)** – This bill, with an amendment, ups the required amount of general liability insurance that must be carried by a contractor to be at least \$300,000.

**HB 4011 (McMillan, Maddox)** – This bill is the administration's CoverTN bill. The subcommittee added a sunset on the entire piece of legislation to extend 6 years for the purpose of legislative oversight of the program.

**HB 3478 (Curtiss)** – This bill requires the sellers of land to disclose to any potential buyer the results of any percolation test, if performed on the property.

**HB 3455 (Roach)** – This bill, with an amendment that rewrites it, authorizes car retailers to, when they have a car emissions tested, to pay an additional \$1.50 to have the emissions certificate be valid for 180 days instead of the usual 90 day period.

**HB 2581 (West)** – This bill increases the minimum insurance coverage required of blasters, and it permits insurance companies, when paying claims on properties damaged by blasting, to subrogate the claims to the blaster.

## Bills Rolled One Week:

HB 3399 (McMillan)

HB 3290 (Kernell)

HB 3676 (Odom)

HB 3962 (McMillan)

## Bills Rolled to the Last Calendar:

HB 2855 (Hackworth)

HB 3479 (Ferguson, Maddox)

HB 3964 (Watson, B.)



# Commerce

## Bills Taken Off Notice:

HB 3810 (Hensley)

HB 3144 (DuBois)

HB 2577 (West)

HB 2582 (West)

## Bills Failed for Lack of Motion:

HB 3321 (Matheny)

HB 2799 (Sontany)

HB 2567 (West)

## **Utilities and Banking**

The **Utilities and Banking Subcommittee** is closed for the year at the call of the chair.

The Conversation and Environment Committee and its subcommittees are closed subject to the call of the chair.



**THE FULL COMMITTEE** met Tuesday, April 18, 2006, with a calendar of sixteen (16) bills. Five (5) bills were moved out of committee; one (1) was taken off notice; and, the remaining ten (10) were rolled to the April 25<sup>th</sup> committee meeting. Chairman West intends to close the committee after the April 25<sup>th</sup> meeting.

**HB 3892 (Hargrove)** removes the requirement that the annual report on workers' compensation prepared by the Advisory Council on Workers' Compensation include a summary and explanation of the impact of significant court decisions relating to workers' compensation. The bill removes the requirement for the Council to develop evaluations, statistical reports, and other information for the legislature to evaluate the impact of legislative changes to workers' compensation laws, and adds a requirement that the Council issue a separate annual report with a summary and explanation of the impact on existing policy of significant Supreme Court decisions relating to workers' compensation. **This bill passed to Calendar and Rules.**

**HB 4003 (McMillan)** requires that under the "Tennessee Employee Leasing Act" employee leasing companies transfer unemployment benefit and premium experience where there is common ownership, management, or control between a predecessor and successor. The amendment that follows the bill clarifies that the existence of an employee leasing agreement, without other evidence, does not constitute common ownership, management, or control. **This bill as amended was referred to Calendar and Rules.**

**HB 2883 (Turner M)** authorizes unemployment benefits be paid to an individual who leaves work due to circumstances resulting from being a victim of domestic violence and/or stalking. Rep. Turner offered an amendment that would move one paragraph to the appropriate section of the bill, and would address disclosure of information as provided by the victim. **This bill as amended was referred to Finance Ways and Means.**



Rep. McCord

**HB 3335 (McCord)** was passed to **Finance Ways and Means as amended** as well. The bill requires the commissioner of labor and workforce development to hold a rulemaking hearing on proposed changes to the workers' compensation medical fee schedule and requires the commissioner's annual review of the fee schedule to include a report on

the adequacy of health care provider networks; requires filing of annual report with the legislative oversight committee. The amendment clarifies parts of the bill by clearly identifying PPOs – preferred provider organizations — as provider networks.

**HB 3670 (Curtiss)** authorizes a party against whom the Department of Labor & Workforce Development Specialist has issued an order, the right to submit a "Request for Reconsideration" and, makes changes to present law concerning penalties for failure to comply with an order issued by a specialist.

An amendment that follows the bill authorizes an employee to make a written request to reconsider an order denying temporary total disability or medical benefits issued by a Department of Labor and Workforce Development Workers' Compensation Specialist. It requires the Department to conduct an informal conference within ten calendar days from the receipt of the written Request for Reconsideration and authorizes the Administrator or designee to conduct the conference. The conference must be conducted by a person employed by the benefit review section of the Department for at least five years, but not necessarily a benefit review person. **This bill as amended was referred to Finance Ways and Means.**

**HB 3567 (Jones U)** which makes it an unfair or deceptive act under the Consumer Protection Act for any person to sell or offer to sell a passenger motor vehicle in this state that has been damaged in a flood was **taken off notice.**

**The following ten (10) bills were rolled to the April 18<sup>th</sup> meeting.**

**HB 1599 (Fitzhugh)** requires an employer receiving a job skills grant to file a final report with the Department of Economic and Community Development at the end of the job skills grant period.

**SJR 0072 (Kurita)** creates a special joint committee to study the possible social and economic costs of employee misclassification in the construction industry in Tennessee and requires the Committee to report its findings and recommendations to the General Assembly no later than February 1, 2006. The Senate adopted this on May 28, 2005.

# Consumer & Employee Affairs

**HB 2571 (West)** allows consumers to place a security freeze on their consumer credit reports.

**HB 2578 (West)** requires drug-free workplace credits be based on an employer's annual premiums; requires credits to be given equally over a premium payment schedule.

Chairman West



**HB 3351 (West)** Present law authorizes the commissioner of labor and workforce development and the commissioner of commerce and insurance to promulgate rules under the Workers' Compensation Law. This bill requires that those rules include a civil penalty against a workers' compensation provider who has, after proper notification and appropriate time to respond, refused

to make repayment to a payor for a payment that exceeds the medical fee schedule after exhausting all appeals. A provider would not be assessed a civil penalty solely for receiving payment from a payor that exceeds the medical fee schedule.

**HB 3352 (West)** prohibits a consumer reporting agency from releasing a consumer's credit report or information derived from the report when the consumer places a security freeze on his/her credit report.

**HB 3447 (Turner M)** provides that unemployment compensation benefits shall not be reduced or denied when an eligible claimant enrolls in any institution of higher education.

**HB 3768 (Rinks)** authorizes an employee or staff leasing company or staff leasing group to sponsor and maintain employee benefit and welfare plans for its leased employees. An amendment follows the bill to full committee.

**HB 3846 (West)** authorizes parties in a workers' compensation claim to file a civil action in the county where the employer is located or in the county where the incident occurred if the employer is a county or a municipal corporation.

**HB 4004 (McMillan)** requires an insurer, employer, or self-insured pool to file a wage statement detailing an employee's wages for the previous 52 weeks within 15 days of an employee's injury and revises other workers' compensation provisions.

**CONSUMER AFFAIRS SUBCOMMITTEE** did not meet at the regularly scheduled time. This committee has four (4) bills on the calendar and will meet Thursday, April 20<sup>th</sup>, immediately following session. This will be the last meeting of this committee. It will be closed subject to the call of the chair.

The following four (4) bills will be heard.

**HB 2540 (Jones S)** authorizes the commission to suspend or revoke the license of any used car dealer who locates within a mile of another used car dealer after July 1, 2006; makes this provision applicable if a used car dealer leases or transfers ownership of the business.

**HB 2979 (Johnson R)** makes offering a check containing an obligation to advertise with a person upon the endorsement of the check a violation of the Consumer Protection Act.

**HB 3848 (Towns)** makes the selling of a consumer item with a radio frequency identification tag (RFID) a violation of the Consumer Protection Act unless such RFID is removed upon purchase of the item.

**HB 3489 (West)** requires motor vehicle manufacturers to provide purchasers and lessees with an explanation of Tennessee motor vehicle warranty law. A violation is punishable through private rights of action.

**HB 3051 (Todd) was taken off notice.**

Rep. Rinks



**EMPLOYEE AFFAIRS SUB COMMITTEE IS CLOSED  
SUBJECT TO THE CALL OF THE CHAIR.**

## Full Committee

The Education Committee met on Wednesday to consider its calendar. Action follows.



### **Referred to Calendar & Rules:**

**HB 3249** – (Brown) requires the department of education to establish and monitor a system of competitive grants for eligible organizations that provide after school care educational programs. The purpose of these grants will be to increase at-risk students' performance on ACT and SAT tests. The grants shall be funded with net lottery proceeds.

The commissioner of education shall report on the performance of these programs once a year to the Governor, Speakers of both Houses, and the Education Committees.

### **Referred to Calendar & Rules, if amended:**

**HB 1991** – (DeBerry, L.) redirects funds for a chair of excellence in real estate that has been vacant for four years to academic scholarships for high-ability students. The amendment changes the effective date to July 1, 2006.

### **Referred to Finance, Ways & Means:**

**HB 2809** – (Winningham) allows students receiving the Tennessee HOPE foster child tuition grant to attend private, as well as public, postsecondary institutions.

### **Referred to Finance, Ways & Means, if amended:**

**HB 3250** – (Brown) amendment rewrites the bill to strongly encourage the board of regents and the University of Tennessee board of trustees to offer instruction aimed at increasing awareness and prevention of hate crimes, sexual battery, sexual harassment, and date rape to entering freshmen.

**HB 3893** – (Baird) requires a juvenile who is ordered into an inpatient mental health treatment program must provide a principle of that child's school a certificate of completion two days before the child begins school. The certificate would be governed by present law confidentiality standards. A child who voluntarily enters into such a program shall also provide a certificate of completion two days before the child begins school. The bill further allows a local board of education to not provide enrollment for a child who is ordered by the

court or enters voluntarily such a program and fails to submit a certificate of completion in the stated time allowance. The amendment deletes subdivision (b) of subdivision (2) of 37-1-131(a) in SECTION 1 and substitutes that if a court orders a child to complete such a program, the principal of the child's school must develop a transition plan for the child's return to school.

**HB 2600** – (West) authorizes the state board of education to promulgate rules and regulations regarding seat belts on school buses. As amended, no provision of this act shall be construed by any local school system the obligation of adopting the rules and regulations the state board develops. Seat belts on school buses are the option of the local LEA.

**HB 3720** – (Winningham) as amended, allows tenured teachers who are seeking an advanced degree in mathematics or science to be eligible for a Tennessee HOPE teacher's scholarship. A recipient would agree to teach in a Tennessee public school for two academic years for each year of funding provided.

**HB 2811** – (Winningham) increases HOPE scholarship awards from \$3,300 to \$4,000 for full-time students attending four-year institutions and from \$1,650 to \$2,000 for full-time students attending two-year institutions. As amended, makes a Tennessee citizen, who is a dependent of a full-time religious worker serving out of state, eligible for a Tennessee HOPE scholarship. Also included in those eligible for a HOPE scholarship are those students who graduate from a high school located in a neighboring state.



Deferred 1 week:

**HB 2439** – (Turner, M.)

**SJR 38** – (Johnson, P.)

**HB 3927** – (Maggart)

**HB 1284** – (Shaw)

**HB 3841** – (Casada)

**HB 3109** – (Cooper)

**HB 3098** – (Winningham)

**HB 2923** – (Hill)

Taken off Notice:

**HB 3312** – (Hargett)

**HB 2692** – (Kelsey)

**HB 2175** – (Winningham)

# Education

## K-12 Subcommittee

The K-12 Subcommittee met on Tuesday and acted on its calendar. Action follows.

Referred to Full Committee:

**HB 4040** – (Winningham) replaces the terms “vocational education” and “vocational-technical education” with “career and technical education” in the code.

**HB 4043** - (Maddox) when a child becomes the direct responsibility of the state, the commissioner of the department of education must pay to the state agency responsible for the child an amount equal to state funds, plus local funds, which would have been spent on the child if not in state care.



Rep. L. Turner

**HB 4038** – (Turner, L.) changes the age of compulsory school attendance for blind children from “between seven and 16 years of age” to “between six and 17 years of age.”

Deferred to Summer Study:

**HB 251** – (Stanley) applies to Shelby County and allocates funds from bond issues for capital expenditures to school district where facility is to be located.

Failed in Subcommittee:

**HB 1982** – (Hargett)

**HB 3528** – (Dunn)

Deferred 1 week:

**HB 3586** – (Jones, S.)

**HB 3897** – (Winningham)

**HB 3754** – (McCormick)

**HB 3764** – (Brown)

**HB 3522** – (Maddox)

**HB 3524** – (Maddox)

**HB 3248** – (Brown)

**HB 2935** – (Winningham)

**HB 3168** – (Winningham)

**HB 2808** – (Winningham)

**HB 3197** – (Winningham)

**HB 3713** – (Winningham)

**HB 3847** – (Bunch)

**HB 4039** – (Brown)

**HB 3871** – (Brown)

**HB 2546** – (Hackworth)

**HJR 1026** – (Brown)

Taken off Notice:

**HB 2810** – (Winningham)

**HB 3596** – (Turner, L.)

## Higher Ed Subcommittee

The Higher Ed Subcommittee is closed subject to the call of the chair.



## Week of April 17, 2006:

### The Full Committee

The House Finance, Ways, and Means Committee met on Tuesday, April 18, 2006 with fourteen bills on calendar. Of these fourteen bills, seven were deferred for one week and six passed to Calendar and Rules. One bill (*HB 374 by Harwell*) was re-referred back to the Budget Subcommittee after the Budget Subcommittee Amendment 1 was adopted by the Full Committee. Other committee actions are as follows:



### Rolled 1 Week:

HB 0510 – Rep. Pinion  
HB 2652 – Rep. Bunch  
HB 2460 – Rep. Hackworth  
HB 3917 – Rep. McMillan  
HB 2620 – Rep. McMillan  
HB 0197 – Rep. Todd  
HB 3402 – Rep. M. Turner

### Recommended for passage and referred to Calendar and Rules:

**HB 2651** (Godsey) – Names a highway in Bristol: This bill designates a certain segment of US Hwy 11E in the City of Bristol as the Larry Carrier Memorial Parkway - Founder of Bristol International Speedway. Designating signs shall be erected only if the City of Bristol remits the funds to manufacture and erect such signs.

**HB 3684** (R. Johnson) – Names a bridge on the TN National Guard Parkway: This bill directs TDOT to identify an appropriate bridge on the Tennessee National Guard Parkway, SR 840, to be designated as the Sergeant Joseph D. Hunt Memorial Bridge. The funding for this bill is pursuant to TCA §54-1-133, which specifies that the monies to pay for the incurred costs will be derived from the Highway Fund due to the individual being a member of the military or a public safety official killed in the line of duty.

**HB 3685** (R. Johnson) – This bill authorizes a publicly funded forensic laboratory to be built in the Ninth Judicial District, which encompasses Loudon, Meigs, Morgan, and Roane counties. The laboratory shall assess and receive the same fees currently charged by the TBI and other publicly-funded forensic labs for conducting

test to determine the drug and alcohol content of blood.

**SJR 574** (Rep. Larry Miller is carrying this resolution for Sen. Bowers.) – This resolution urges the United States Congress to propose, adopt, and submit to the states for ratification a balanced budget amendment to the United States Constitution requiring a balanced federal budget on an annual basis, except in times of extreme national emergency. A copy of this resolution shall be transmitted to the President of the United States, the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

**HB 3635** (McDaniel) – as amended in Budget Sub., this bill prohibits the TRA from exercising jurisdiction over broadband services. Exceptions to this include intrastate services that were regulated before the effective date of the bill, the ability of the authority to arbitrate complaints of anti-competitive pricing and the ability of the authority to set service rates and terms. Additional language was added to the bill stating, "Furthermore, such intrastate services shall not be reclassified, bundled, de-tariffed, declared obsolete or otherwise re-characterized to avoid the imposition of inspection fees by the TRA."

**HB 3995** (McMillan, with McDonald carrying the bill) – This bill is an administration bill, which revises the grant regulations relative to the Tennessee Recreation Initiative Program by authorizing TDEC to award more than one recreation initiative grant per grand division in any year that there are no applicants from another grand division. It authorizes the use of grants to hire additional personnel and increases community match of \$50,000 during the first two years in the grant program.



Rep.  
McDonald

### The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, April 19, 2006, with 80 bills on calendar, including both addendums.

# Finance, Ways and Means

Subcommittee Actions for these pieces of legislation are as follows:

## Off Notice:

HB 2521 – Fraley  
HB 3034 – Pruitt  
HB 2563 – Pruitt  
HB 2520 – Hackworth

## Behind the Budget:

HB 3883 – Bone (with Budget Sub Amdt. 1)  
HB 0855 – R. Johnson (with Budget Sub Amdt 1)  
HB 3634 – McDaniel (with Budget Sub Amdts 1&2)  
HB 1087 – McMillan  
HB 2163 – McMillan  
HB 2243 – McMillan  
HB 2816 – Moore  
HB 2485 – M. Turner  
HB 3462 – Buck  
HB 1188 – Buck (with Budget Sub Amdt 1)  
HB 1350 – Curtiss (with Budget Sub Amdt 1)  
HB 3831 – Fowlkes  
HB 2644 – Hensley  
HB 2202 – Litz  
HB 2570 – West  
HB 2804 – Winningham

## Deferred One Week:

HB 2535 – Baird (with Budget Sub Amdts 1&2)  
HB 1408 – Baird  
HB 2013 – Fitzhugh (with Budget Sub Amdt 1)  
HB 3879 – R. Johnson (with Budget Sub Amdt 1)  
HB 2126 – McMillan (with Budget Sub Amdt 1)  
HB 2934 – McMillan  
HB 0111 – Moore  
HB 2818 – Moore  
HB 4016 – McMillan, Pinion  
HB 3033 – Pruitt (with Budget Sub Amdt 1)  
HB 0250 – Stanley (with Budget Sub Amdt 1)  
HB 2832 – Campfield (with Budget Sub Amdt 1)  
HB 3261 – J. DeBerry  
HB 3356 – J. DeBerry  
HB 3235 – Fowlkes  
HB 2906 – Harrison  
HB 2035 – S. Jones  
HB 3441 – Lynn  
HB 3486 – Lynn  
HB 2919 – Todd  
HJR 857 – Winningham  
HB 2812 – Winningham  
HB 3096 – Winningham

HB 0517 – McMillan (with Budget Sub Amdt 1)  
HB 2621 – McMillan

## Deferred Two Weeks:

HB 3868 – Armstrong  
HB 2055 – DeBerry  
HB 3201 – Odom  
HB 3611 – Odom (with Budget Sub Amdt 1)  
HB 3513 – Yokley  
HB 2901 – Brooks (Shelby)  
HB 2518 – Brooks (Shelby)  
HB 3255 – U. Jones



## **The following bills were referred to Full Committee:**

**HB 3709** – Armstrong (with Budget Sub Amdt 1): This bill authorizes a job tax credit of \$4,500 for

each net new full-time employee job created for any qualified business enterprise (QBE) located in federally designated empowerment zones. Businesses in the federally designated empowerment zone are required to invest a minimum of \$20 million and create at least 1,000 new jobs in order to qualify for this higher tax credit.

**HB 3612** – Fitzhugh: This bill increases the base salaries for trial court judges, intermediate appellate court judges, Supreme Court justices, and the Attorney General and Reporter.

**HB 1658** – Maddox: This bill increases the salary of part-time assistant district attorneys general to \$25,000 per year.

**HB 2623** – McMillan: This bill urges TDOT to study a policy of hybrid vehicles being exempt from the requirements of the federal transportation legislation SAFETEA-LU and implementing federal regulations so as such hybrid vehicles may travel in HOV lanes. TDOT is urged to consult with the Federal Highway Administration regarding such a policy of exempting hybrid vehicles from HOV lane requirements. TDOT is also urged to report findings and recommendations to the Transportation Committees of the House and Senate during the 105th General Assembly.



# Finance, Ways and Means



Rep.  
McMillan

**HB 3986** – McMillan: This bill revises the current law by making it an offense for a law enforcement officer, correctional employee, vendor or volunteer to engage in sexual contact or sexual penetration with an inmate who is in the custody of a penal institution, whether it occurs on or off the grounds of the institution.

**HB 3393** – McMillan: This bill modifies the law to treat TennCare equitably with respect to other creditors in pursuing a claim against a decedent's estate; requires additional notices of the death of a TennCare recipient to be provided to the bureau of TennCare. As amended in Judiciary, the bill requires that a petition required to administer an estate include a statement indicating whether a decedent was or wasn't a Medicaid or TennCare recipient. The amendment provides new language that requires the personal representative of an estate, within the sixty-day period, to execute and file with the clerk of court an affidavit that the bureau of TennCare has been notified of the decedent's death. It also adds language that there can be an adjustment or recovery of any payment for medical assistance under the estate only after a surviving spouse dies and there is no child under 18 years of age, or no surviving child, who is blind or permanently and totally disabled, or a child who became blind or permanently and totally disabled after reaching majority if the TennCare Bureau, and the personal representative agrees that such repayment would constitute an undue hardship to the child. It further requires that within 60 days of the date of issuance of either letters of administration or letters testamentary, the personal representative must require notice of death of any person 55 years of age or older in a format specified by the bureau stating whether the decedent was a TennCare recipient and request a release from the Bureau.

**HB 3416** – McMillan: This bill allows the coordinator of elections to promulgate rules to determine the minimum number of paper ballots to be furnished to each precinct on election day. It also increases the ratio of the number of voters to voting machines from not more than 750 to no more than 1,000 voters per machine. This bill also makes various other revisions to election laws, which include requiring the county election commission to mail new voter registration cards to each voter immediately after any change of voting district.

**HB 3408** – McMillan: This is the stolen car bill: As amended in Transportation, this bill authorizes a person to apply for certificate of title to a vehicle without proper documentation if the vehicle has a fair market value of \$3,000 or less. In such cases, the owner would submit a certificate of ownership signed under penalty of perjury on a department proscribed form accompanied by:

- A) Return receipts from certified letters with a return receipt requested sent to all known parties with a legal interest in the vehicle or, if applicant does not know previous owner, evidence of notification in a publication of general circulation in county of application of applicant's intent to apply for title. Notification must have certain identifiable information about the vehicle, and a request to any and all parties with an interest in the vehicle to contact possessor of the vehicle by certified mail, return receipt requested within 10 business days of publication.
- B) Verification of the vehicle identification number (VIN) by a law enforcement officer or licensed dealer.
- C) Notarized bill of sale from the last registered owner or notarized statement from seller explaining why the vehicle was not titled or registered in the seller's name.
- D) If C can not be provided, a licensed motor vehicle dealer appraisal of the value of the vehicle.
- E) Photographs of the vehicle in the pre-repaired state. If unavailable, post-repair photographs with a notarized statement from applicant that no pre-repair photographs are available and that the person was not aware photographs would be required before repairs were made. If no repairs were made, the statement should state such.
- F) If a vehicle was purchased new, never titled, and the manufacturer's statement of origin has been lost with a duplicate not being able to be obtained, a complete copy of the original manufacturer's statement of origin certified as true and exact is required.

Upon completing the above and fee payment, a certificate of title is issued. Civil and criminal liability is not relieved by a certificate of title obtained by this procedure. Satisfactory and genuine evidence of applicant's legal right of ownership is still required under the certification provisions.

# Finance, Ways and Means

Rep. Odom



**HB 3993** – McMillan, Odom: This bill specifies that moneys in the local parks land acquisition fund may be used only for grants to local governments to purchase land for parks, natural areas, greenways, and recreation facilities, and for trail development and capital projects in such areas. It limits the amount that may be used for administrative expenses to 3.5%

and requires all interest accruing within the fund to be made part of the fund.

**HB 3757** – Buck: This bill directs the Department of Transportation to identify an appropriate bridge on State Route 840, the Tennessee National Guard Parkway, to be designated as the Sergeant Shannon D. Taylor Memorial Bridge. The cost of such signage shall be funded in accordance with TCA §54-1-133, i.e., out of the highway fund.

**HB 2970** – B. Cooper: As amended in Health and Human Resources, this bill requires the Department of Human Services to inform a child care provider of the termination of a child's subsidy certificate for child care services within 48 hours, specifies that the parent or caretaker of a child who receives a subsidy certificate is responsible for payment to the child care provider of any co-payment or other contractual payment, and authorizes the department to withhold subsidy payments to a subsequent child care provider until a child's parent or caretaker has made all required co-payments to, or reached an agreement regarding outstanding payments with, the previous provider.



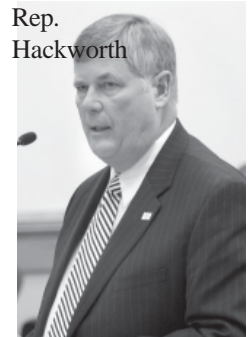
**HB 3860** – Crider: This bill designates a certain segment of State Route 104 in Gibson County as the Deputy Roger Norvell Memorial Highway. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

**HB 3625** – Curtiss: This bill, as amended in Judiciary, authorizes Warren and Dyer counties to levy a litigation tax of \$25 per case on civil and criminal cases.

**HB 320** – Davidson (with Budget Sub Amdt 1): The committee brought HB 320 up from behind the budget (where it had been placed on March 29, 2006) in anticipation of an upcoming amendment to be presented in the Budget Subcommittee. Rep. Davidson presented Budget Subcommittee Amendment 1 along with a not significant fiscal memo reflecting the amendment. The bill was amended and sent to the full committee as amended. Budget Subcommittee Amendment No. 1 rewrites the bill to authorize the registration of specially constructed motor vehicles and requires the words "Specially Constructed" to be printed on the face of the title. It further redefines "reconstructed vehicle" (e.g. street/hot rods) and "specially constructed vehicle" (e.g., kit cars) and is effective January 1, 2007.

**HB 3535** – Fowlkes: This bill authorizes counties to create a position of judicial referee to assist trial judges in hearing certain matters.

**HB 3691** – Hackworth: This bill directs the Department of Transportation to identify an appropriate bridge on State Route 840, the Tennessee National Guard Parkway, to be designated as the Sergeant First Class Stephen C. Kennedy Memorial Bridge. Funding for the signs will come out of the Highway Fund.



**HB 3654** – Hawk: This bill directs the Department of Transportation to identify an appropriate bridge on State Route 840, the Tennessee National Guard Parkway, to be designated as the Staff Sergeant Mark O. Edwards Memorial Bridge. Funding for these signs will be out of the Highway fund.

**HB 2530** – S. Jones This bill, as amended in the Children & Family Affairs Committee, changes the period of time that a parent has abandoned a child from 4 months to 3 years, and also deletes the Department of Children Services from this provision.

**HB 3086** – S. Jones: This bill requires all employees of detention centers and temporary holding facilities to submit to the same background check currently required for all other child care providers. As amended in Judiciary, such background information and fingerprints shall be submitted for a review of the employee's status on the Department of Health's Vulnerable Persons Registry.

# Finance, Ways and Means

**HB 3256** – U. Jones: This bill imposes an additional fine of \$15 on traffic violations for accidents involving death or personal injury, where the driver causing the accident leaves the scene. Any collection of fines is to be deposited in the Traumatic Brain Injury Fund.

**HB 3987** – McMillan, Langster: This bill creates a new Class E felony offense to knowingly take any telecommunication device into a penal institution.

**HB 3638** – Litz: This bill directs the Department of Transportation to identify an appropriate bridge on State Route 840, the Tennessee National Guard Parkway, to be designated as the Sergeant Paul W. Thomason III Memorial Bridge. Funding will come out of the Highway Fund.

**HB 3988** – McMillan, Litz: This bill authorizes the Department of Correction (TDOC) to retain contraband cash confiscated from state inmates and spend such monies on the Department's canine units.

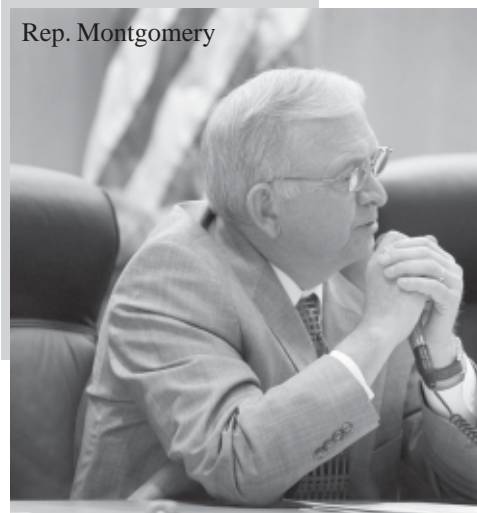
**HB 3553** – McCord: This bill authorizes municipalities to borrow funds and then loan funds to an Industrial Development Board. It authorizes municipalities to contribute revenues derived from property and personal taxes generated by a business park that is jointly operated or developed by an Industrial Development Board and municipalities, and authorizes Industrial Development Boards to distribute to municipalities any revenues that exceed expenditures.

**HB 3751** – Montgomery: This bill directs the Department of Transportation to identify an appropriate bridge on State Route 840, the Tennessee National Guard Parkway, to be designated as the Staff Sergeant Victoir Patric Lieurance Memorial Bridge. Funding for this bill will come out of the Highway Fund.

**HB 3874** – Shaw: This bill directs the Department of Transportation to identify an appropriate bridge on State Route 840, the Tennessee National Guard Parkway, to be designated as the Staff Sergeant David L. Loyd Memorial Bridge. Funding for this bill will be in accordance with TCA§54-1-133, i.e., out of the Highway Fund.

**HB 3371** – Sontany: This bill authorizes any judge of a court exercising juvenile jurisdiction to establish a drug court in the same manner as judges of courts exercising criminal jurisdiction. This bill is permissive to local governments.

Rep. Montgomery





The Government Operations Committee met on Wednesday morning to consider the 41 bills on the calendar. **HB 3035 (Pruitt)**, **HB 3416 (DuBois)**, **HB 1970 (Cochran)** and **HB 4009 (McMillan)** were all taken off notice. **HB 3186 (Harmon)**, **HB 2697 (Kernell)**, **HB 2722 (Kernell)** and **HB 2660 (Bunch)** were all deferred for one week.

The following bills were considered in committee for rulemaking purposes and were subsequently sent to the appropriate standing committees with positive recommendations:

- **HB 3615** by Representative Niceley – passes to the Education Committee. The State Board of Education is responsible for promulgating rules and regulations to set out the guidelines for establishing an alternative program for the operation of public schools where the school calendar year is divided

into three equal sessions and the student must attend two of the three sessions.

• **HB 3616** by Representative Niceley – passes to the Agriculture Committee. The Commissioner of Agriculture is empowered with rulemaking authority in order to facilitate the production of Biodiesel fuel.

• **HB 3732** by Representative Stanley – passes to the Agriculture Committee. The Department of Health will be authorized to promulgate rules and regulations in order to implement the Tennessee Smokefree Air Act of 2006.

- **HB 3456** by Representative Buck – passes to the State and Local Government Committee. This legislation will create the Voter-Owned Elections Advisory Council, which will advise the Registry of Election Finance on the rules that will oversee this act as well as the funding needs of the Democracy Fund. The Registry of Election Finance will be given rulemaking authority in order to enforce the provisions of this legislation. An amendment was placed on the bill that will place a sunrise provision on the Advisory Council.
- **HB 4046** by Representative Sontany – passes to the Commerce Committee. This Administration Bill authorizes the Department of Commerce and Insurance to promulgate public necessity rules to implement guidelines for persons applying for registration as a blaster to submit a copy of the registrant's ATF clearance letter, license or permit.

- **HB 4047** by Representative Shepard – passes to the Commerce Committee. This Administration Bill delegates the Commissioner of Commerce and Insurance rulemaking authority in order to implement the provisions of this legislation.

- **HB 4028** by Representative Curtiss – passes to the Commerce Committee. Under this Administration Bill, the Commissioner of Commerce and Insurance is authorized to promulgate public necessity rules governing deputy inspectors conducting electrical inspectors.

Rep. Shepard



Rep. Niceley



## Sunset Legislation

The following bills are sunset bills that passed to the Calendar & Rules Committee:

- **HB 2721 (Kernell)** - Department of Economic and Community Development - June 30, 2010.
- **HB 2715 (Kernell)** - Office of Business Enterprise - June 30, 2010.
- **HB 2740 (Kernell)** - Board of Barber Examiners – June 30, 2010.
- **HB 2733 (Kernell)** – Board of Cosmetology – June 30, 2010.
- **HB 2739 (Kernell)** – Board of Examiners for Architects and Engineers – June 30, 2010.

\* An amendment was placed on this bill in sub-committee to provide immunity from liability from personal injury and property damage to those architects and engineers who voluntarily offer their services at the request of a public safety officer or county building inspector at the scene of a declared national, state or local natural or man-made disaster. This immunity would only apply for 90 days of the declared disaster.

- **HB 2698 (Kernell)** – Board of Land Survey Examiners – June 30, 2010.
- **HB 2729 (Kernell)** – Board of Land Survey Examiners – June 30, 2010.
- **HB 2726 (Kernell)** - Board of Pharmacy – June 30, 2010.
- **HB 2704 (Kernell)** – Collection Service Board – June 30, 2010.

# Government Operations

- **HB 2705 (Kernell)** – Private Investigation and Polygraph Commission – June 30, 2010.
- **HB 2706 (Kernell)** – Real Estate Appraiser Commission – June 30, 2010.
- **HB 2707(Kernell)** – Real Estate Commission – June 30, 2010.
- **HB 2713 (Kernell)** – Tennessee Auctioneer Commission – June 30, 2010.
- **HB 2737 (Kernell)** – Board of Communication Disorders and Sciences – June 30, 2010.
- **HB 2736 (Kernell)** – Board of Dietician/Nutritionist Examiners – June 30, 2010.
- **HB 2738 (Kernell)** – Board of Examiners for Nursing Home Administrators – June 30, 2010.



Chairman  
Kernell

- **HB 2732 (Kernell)** – Board of Examiners in Psychology – June 30, 2010.
- **HB 2702 (Kernell)** – Board of Nursing – June 30, 2010.
- **HB 2730 (Kernell)** – Board of Optometry – June 30, 2010.
- **HB 2728 (Kernell)** – Board of Podiatric Medical Examiners – June 30, 2010.
- **HB 2727 (Kernell)** – Board of Veterinary Medical Examiners – June 30, 2010.
- **HB 2724 (Kernell)** – Committee for Clinical Perfusionists – June 30, 2010.
- **HB 2723 (Kernell)** – Council of Certified Professional Midwifery – June 30, 2010.
- **HB 2717 (Kernell)** – Emergency Medical Services Board – June 30, 2010.
- **HB 2712 (Kernell)** – Tennessee Advisory Committee for Acupuncture – June 30, 2010.
- **HB 2714 (Kernell)** – Tennessee Medical Laboratory Board – June 30, 2010.

## Joint Government Operations Sub-Committee

On Monday, April 17, 2006, the Commerce, Labor and Transportation subcommittee of the Joint Government Operations Committee convened to review the Professional Regulatory Boards audit. Chaired by Representative David Davis, the subcommittee recommended a four year extension to the entities included in the audit. These entities include:

Board of Barber Examiners  
 Board of Cosmetology  
 Board of Examiners for Architects and Engineers  
 Board Examiners for Land Surveyors  
 Board of Funeral Directors and Embalmers  
 Board of Pharmacy  
 Collection Service Board  
 Private Investigation and Polygraph Commission  
 Private Protective Services Advisory Committee  
 Real Estate Appraiser Commission  
 Real Estate Commission  
 Tennessee Auctioneer Commission



Rep. Davis

## Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Monday afternoon, April 17, 2006, with 10 bills on its **final calendar**. Three bills were taken off notice: **HB 3384** (Shepard), **HB 3865** (Crider), and **HB 1759** (Overbey). The remaining seven bills were referred to full committee, to be placed on the April 18<sup>th</sup> full committee calendar. **HB 1892** (McDaniel) as amended revises the scope of practice for physical therapists, including treatment under referral and without referral. After discussion and testimony from proponents and opponents, HB 1892 as amended was referred to full committee 6-4 on a roll call vote. **HB 3800** (Jones, U.) gives the Emergency Medical Services Board authority to certify training centers to provide training

for paramedics. **HB 3835** (Hargett) as amended authorizes physicians to use a lab of their choice for anatomic pathology services, requires the physician to bill only what is charged by the lab for such services, and authorizes the physician to bill a collection administrative fee for such services not to exceed \$20 per office visit. **HB 1288** (DeBerry, L.) prohibits performing surgery under general anesthesia or conscious sedation outside of a hospital or ambulatory surgical treatment center. **HB 1285**

(Ferguson) as amended establishes certain reasonable criteria for a restriction on the right of an employed health care provider to practice upon termination or conclusion of their employment contract. **HB 2200** (Briley) as amended requires the Department of Health to provide a link on its website to the websites for the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists for accessing the Guidelines for Perinatal Care and requires the Board of Medical Examiners and the Board of Osteopathic Examination to publish such guidelines in their annual newsletters. **HB 3618** (Shepard) as amended requires nursing homes to maintain medical equipment management plans.

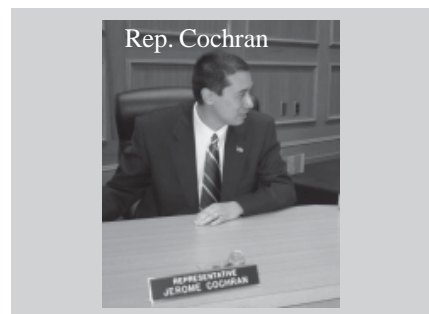
## Full Committee

The **Health & Human Resources Committee** took up its **final calendar** on Tuesday morning, April 18, 2006, with 41 bills and two joint resolutions on notice. The committee was unable to complete its business and will stand in recess until Tuesday, April 25, 2006.



Rep. Hargett

**HB 2690** (Campfield) as amended that prohibits a hospital or home care organization from knowingly contacting a prospective patient whose name appears in an accident report in an attempt to persuade such person to accept treatment from the hospital or home care organization was referred to C&R. The amendments specify that the provisions of this legislation would only apply in Knox County if approved by a two-thirds vote of the county legislative body. After discussion and testimony from proponents and opponents, **HB 3517**



Rep. Cochran

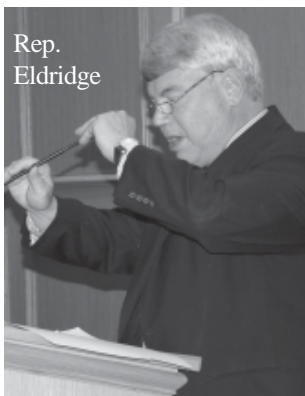
(Cochran) as amended that concerns mental health screening of juveniles was rolled down 10 spaces on the calendar by Chairman Armstrong. A motion by Rep.

Odom to defer HB 3517 to a mental health subcommittee study committee is the pending motion. **HB 3556** (Godsey) as amended that requires providers of emergency and non-emergency air and ground transportation services for TennCare enrollees to be reimbursed by the Bureau of TennCare at the same rate such services would be reimbursed by Medicare was referred to FW&M. The amendment specifies that TennCare fuel price adjustments to such providers for TennCare enrollees will be based on retail costs of diesel fuels and providers of transportation services for TennCare enrollees will have one year from the date of services to file for reimbursement. **HB 0610** (Harwell) as amended which requires food service establishments regulated by the Departments of Agriculture and Health that prepare and serve potentially hazardous foods to have at least one responsible employee or food service manager who has successfully completed food service sanitation training and certification by passing an exam approved by the department was referred to FW&M. The amendment requires that the training and certification program be approved by the Conference for Food Protection and cost the employee no more than \$100; requires the departments to maintain a registry of certified persons; and, includes certain department-specific exemptions. **HB 3541** (Kernell) that requires the Department of Human Services to promulgate rules requiring that child care centers install carbon monoxide and natural gas detectors was referred to C&R.



# Health & Human Resources

**HB 2757** (Pinion) as amended that exempts a person employed by an agency licensed under Title 33, Chapter 2, Part 4, providing personal support services to persons living in their own home or private residence who may assist the client with medication administration, excluding injections, upon written waiver of liability by the client from nursing licensure was referred to FW&M. Pursuant to Rep. L. DeBerry's request, **HB 1810** (Rinks) that enacts the "Public Benefit Hospital Sales and Conveyance Act of 2006" was rolled eight spaces on the calendar by Chairman Armstrong to provide time for members to review amendments Rep. Rinks offered today. Amendment 1 to HB 1810 rewrites the bill and is the pending motion. Additionally, Rep. Mumpower announced that he will be offering an amendment to HB 1810 that will specify "a public hearing is not prohibited." **HB 3844** (Rowland) as amended that authorizes a pharmacist, when making drug substitutions, to use drugs and drug products manufactured within any state or country if the products have been approved by the FDA and given an "A" therapeutic equivalent rating was referred to FW&M. The amendment exempts non-rated generic drugs and drug products from the provisions of the legislation. **HB 3997** (McMillan, Shaw) that redefines "indigent person" relative to Title 33, Mental Health & Developmental Disabilities, was referred to C&R. **HB 3717** (Winningham) that establishes the Board of Athletic Trainers consisting of five members appointed by the



Governor was referred to C&R. **HB 3501** (Eldridge) as amended that strongly encourages the principal prenatal provider of a pregnant woman to offer her information on options to donate blood extracted from the umbilical cord of her newborn child was referred to C&R. **HJR 0996** (Jones, S.)

that encourages the Department of Health to ensure Tennessee children receive influenza vaccine according to the Advisory Committee on Immunization Practices recommendations was referred to C&R. **HB 3549** (Marrero) that creates the "Tennessee Cervical Cancer Elimination Task Force" consisting of 17 members was referred to FW&M. Rep. Marrero noted that she is having an amendment drafted that will rewrite the bill and that she will offer the amendment in

the Finance Committee. **HB 3800** (Jones, U.) that gives the Emergency Medical Services Board authority to certify training centers to provide training for paramedics was referred to C&R. **HB 1892** (McDaniel) as amended that revises the scope of practice for physical therapists was referred to C&R. Amendment 1 rewrites the bill to require the practice of physical therapy to be under the referral of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy except under certain circumstances; authorize a physical therapist to treat a patient without referral in certain situations; and, specify educational, training, and/or experience requirements for a physical therapist to practice without referral. Amendment 2 prohibits a physical therapist from performing spinal manipulation or spinal adjustment as defined by statute. **SJR 0596** (carried in the House by Overbey) as amended by the Senate that expresses support for the Department of Health's Epilepsy Awareness Program, requires the Program to continue to include awareness and education on the importance of continuity of care and patient compliance, encourages prescribers and pharmacists to remain aware of potential safety and health care implications that substitution of drugs and drug products may have on persons with epilepsy, and encourages prescribers and pharmacists to notify the patient when prescribing or dispensing a drug or drug product that substitution may not be appropriate for persons with epilepsy was referred to FW&M. As committee time expired, Chairman Armstrong called for a voice vote on the two options available for the next committee meeting date. Subsequent to the vote, Chairman Armstrong announced the remaining bills on calendar will be considered at next Tuesday's committee meeting.

## The Full Judiciary Committee

On Tuesday, the Full Judiciary Committee met to discuss a number of bills. Due to the number of bills, the Full Judiciary Committee will meet on Tuesday, April 25<sup>th</sup>. House bill 3465 by Rep. Curtiss and HB 2924 by Rep. Hill failed.

The following bills were approved for passage and **sent to the Finance, Ways, and Means Committee**:

- **HB 2649 by Rep. Godsey**, as amended, requires a DNA sample to be taken by law enforcement from any person arrested for specific violent felonies listed such as first or second degree murder; aggravated child abuse; sexual battery, sexual battery by an authority figure or aggravated sexual battery; or rape, aggravated rape or rape of a child. The DNA will be destroyed upon an acquittal or dismissal of charges.
- **HB 3058 by Rep. Cochran**, as amended, restores the minimum jail sentence to at least 48 hours and removes the mandatory 24 hour litter removal established by the law enacted in 2005. However, the amendment contains a sunset provision for July 1, 2007.
- **HB 2909 by Rep. Strader**, as amended, creates a Class A misdemeanor offense to knowingly produce, manufacture, distribute, possess or possess with intent to produce, manufacture, or distribute the hallucinogenic plant *Salvia divinorum* or any plant or substance containing the active chemical ingredient Salvinorin.
- **HB 3023 by Rep. Maddox**, as amended, creates the "Child Rape Protection Act of 2006." The act



Rep. Maddox

states that when a physician has reasonable cause to report sexual abuse of a minor and is performing an abortion on that minor who is under the age of 13 years old, the physician must notify the official to whom the report is made of the date and time of the scheduled abortion. A sample of the fetal tissue extracted must be preserved and available to be turned over to law enforcement investigating the rape of such a minor.

- **HB 2688 by Rep. Campfield**, as amended, makes it a criminal offense to expose another person to hepatitis B or C without disclosing it.
- **HB 3714 by Rep. Winningham** creates a new Class A felony offense for any person to

knowingly import or transport metham-phetamine into the state of Tennessee.

- **HB 3899 by Rep. Buck** requires any excise tax levied upon dealers for the possession of unauthorized substances, actually or constructively, be done so upon a conviction.
- **HB 3580 by Rep. Coleman**, as amended, specifies that the annual salary for a general sessions court judge must be increased over the annual compensation and supplements and annual adjustments by the lesser of \$10,000 or 20% of such annual compensation as of August 31, 2006. A general sessions court judge may not be paid compensation based on both this law and the compensation provisions of a private act.
- **HB 2671 by Rep. Hill**, as amended, makes death resulting from drag racing a form of vehicular homicide. Also, the bill creates a new Class B felony for vehicular homicide due to the offense of drag racing. It makes it a Class D felony if the offense results in serious bodily injury to a participant, bystander or other person. Also, the motor vehicle used to commit the drag racing offense or the act of fleeing after the commission of the offense is subject to seizure and forfeiture upon conviction.



Rep. Hill

The following bills were approved for passage and **sent to the Calendar and Rules Committee**:

- **HB 3946 by Rep. Briley** makes it an offense to knowingly violate an order of protection or a restraining order issued to a victim of domestic abuse. Violation of this offense would subject a person to a 12 hour hold period and a Class A misdemeanor. The bill provides a notification requirement, which requires the victim to be notified by the arresting law enforcement officer of the offender's arrest, trial date, and bond eligibility.
- **HB 2931 by Rep. Cochran** allows the county clerk of Carter County to continue to exercise jurisdiction over probate matters.
- **HB 638 by Rep. Cochran**, as amended, authorizes the governor to require the Judicial Selection Commission to submit another panel of three nominees for a vacancy that occurs in the office of a state trial court judge. Also, the amendment authorizes the governor to require

# Judiciary

the commission to submit another panel of two nominees for a vacancy in the judicial district that is one of the five smallest judicial districts.

- **HB 487 by Rep. Maddox** provides civil or criminal immunity except for damages resulting for negligence to the hospital or the health care professionals who draw blood from a person with or without the person's consent at the written request of law enforcement for evidence in criminal offenses involving a motor vehicle.
- **HB 3039 by Rep. Bunch**, as amended, authorizes municipal courts to issue administrative inspection warrants provided that the judge of the court is licensed to practice law in the State of Tennessee.
  - **HB 3212 by Rep. Kelsey**, as amended, specifies that whoever intentionally and without authorization, directly or indirectly, accesses any computer, computer system, or computer network commits a Class C misdemeanor. Networks purposely left open to allow anonymous access to that network constitute implicit consent to its use.
  - **HB 3069 by Rep. Fowlkes**, as amended, increases the monetary and criminal penalties for the unauthorized practice of law; clarifies and expands the private right of action regarding the unauthorized practice of law.
- **HB 2840 by Rep. Coleman** specifies DNA to be stored in the centralized system maintained by TBI such as convicted felon profiles, forensic unknown profiles, criminal suspect profiles, and missing person profiles.
- **HB 3451 by Rep. Sontany**, as amended, prohibits a law enforcement officer to require or request a victim of a sexual offense or violent sexual offense to submit to a polygraph examination or another test designed to detect deception as a condition of the officer proceeding with the investigation. A violation of this prohibition shall subject the officer to appropriate departmental disciplinary action.
- **HB 4073 by Rep. U. Jones** eliminates the sunset date of September 1, 2006 for the Shelby County Drug Court.



The following bills were rolled for 1 week:

HB 3953 by Rep. Briley  
HB 3680 by Rep. Bunch  
HB 3234 by Rep. Fowlkes  
HB 3368 by Rep. Coleman  
HB 3843 by Rep. Lynn  
HB 3446 by Rep. Lynn  
HB 3916 by Rep. Kernell  
HB 3776 by Rep. Rinks  
HB 3777 by Rep. Rinks  
HB 3840 by Rep. R. Johnson  
HB 3433 by Rep. Bone  
HB 2586 by Rep. Ferguson  
HB 3368 by Rep. Coleman  
HB 3539 by Rep. Overbey  
HB 3599 by Rep. Sargent  
HB 2637 by Rep. Cochran  
HB 2531 by Rep. Pinion  
HJR 845 by Rep. Kelsey  
HB 2784 by Rep. Clem  
HB 2785 by Rep. Clem  
HB 779 by Rep. Clem  
HB 3121 by Rep. Montgomery  
HB 4034 by Rep. McMillan  
HB 782 by Rep. DuBois  
HB 3678 by Rep. Dunn  
HB 3307 by Rep. Niceley  
HB 3418 by Rep. McMillan  
HB 2691 by Rep. Yokely  
HB 2872 by Rep. DuBois  
HB 2451 by Rep. Ferguson  
HB 3349 by Rep. R. Johnson  
HB 3614 by Rep. Niceley  
HB 3234 by Rep. Fowlkes  
HB 3658 by Rep. Cochran  
HB 3918 by Rep. Hood  
HB 415 by Rep. Towns  
HB 2665 by Rep. Ferguson  
HB 2061 by Rep. Todd  
HB 3703 by Rep. Armstrong  
HB 1349 by Rep. Briley  
HB 2957 by Rep. McCord  
HB 3610 by Rep. S. Jones

# Judiciary

## Off Notice:

HB 2629 by Rep. Hargett  
HB 417 by Rep. Matheny  
HB 2605 by Rep. Harwell  
HB 3820 by Rep. J. DeBerry  
HB 4057 by Rep. U. Jones

## Summer Study Bills:

SJR 542 by Rep. Southerland  
HB 3113 by Rep. Casada  
HB 3116 by Rep. Casada  
HB 2760 by Rep. Strader  
HB 3907 by Rep. Sargent  
HB 3337 by Rep. McCord  
HB 3878 by Rep. Coleman

## **Civil Practice & Procedure Subcommittee**

The Civil Practice & Procedure Subcommittee is closed.

## **Criminal Practice & Procedure Subcommittee**

The Criminal Practice & Procedure Subcommittee is closed.

## **Constitutional Protections Subcommittee**

The Constitutional Protections Subcommittee did not meet this week. The subcommittee will meet next week to hear HB 3807 by Rep. Harmon.

## **Judicial Administration Subcommittee**

The Judicial Administration Subcommittee is closed.



## State and Local Government Full Committee

This week in the State and Local Government full committee, there were 39 bills on the calendar. Nine bills were passed to Calendar and Rules and 13 were passed to Finance, Ways and Means.

### *Bills passed to Calendar and Rules:*

**-HB 4007 by McMillan, Bone** – This bill clarifies the membership of the Tennessee military affairs commission executive committee.

**-HB 4026 by McMillan, Pinion** – Increases from \$25,000 to \$75,000 the maximum value of surplus property that may be sold to an adjoining landowner or former property owner by the department of transportation.

**-HB 3278 by Sargent** – This bill modifies procedures for direct appeals to the state board of equalization of valuations of commercial and industrial real and personal property.

**-HB 3273 by Fitzhugh** – This bill allows the county register to record military discharge papers and requires that notice be given that all registered information will become public record.

**-HB 3742 by Fitzhugh** – This bill revises the provisions governing authorized investments by local governments.

**-HB 3503 by McKee** – This bill makes various changes to TRICOR law and permits the board to redesignate certain positions as executive service positions to be under the control of the board.

**-HB 3135 by Maggart** – This bill requires approval of the regional planning commission, or planning commission before a county register may file an amendment, modification or correction to a recorded plat of a subdivision.

**-HB 1551 by McKee** – This bill includes Watts Barr Marina and Resort in the definition of a premier type tourist resort for the purpose of consumption of alcoholic beverages on the premises.

**-HB 3966 by U. Jones** – This bill authorizes the emergency communications board to administer the development of 911 services with regard to emerging technologies.

### *Bills passed to Finance, Ways and Means:*

**-HB 2937 by Stanley** – Requires the coordinator of elections to obtain information on residents who are voting age from the social security administration death master file annually and submit such information to the county election commission.

**-HB 3591 by Armstrong** – This bill requires the department of economic and community development to develop the Tennessee African American Heritage and Attractions Guide.

**-HB 3700 by Armstrong** – Rewrites certain publication requirements for public housing development and redevelopment plans.

**-HB 3741 by Fitzhugh** – Requires that purchases made by public housing authority officials using or encumbering housing authority funds be made in accordance with competitive bidding procedures.

**-HB 3202 by Odom** – This bill authorizes municipalities and counties to designate geographic districts for inspection of residential rental property for health and safety hazards.

**-HB 3281 by Sherry Jones** – This bill increases penalties for certain election related offenses.

**-HB 2978 by Sherry Jones** – Increases the amount of annual income for elderly-low income and disabled homeowners to qualify for property tax relief from \$12,980 to \$13,500.

**-HB 3766 by Rinks** - This bill requires municipalities to move local elections to coincide with the general election in November or August by 2010.

**-HB 3781 by Rinks** – Allows a lump some payment of \$80,000 to beneficiaries of a member of the military that was killed in training or on active duty.



# State & Local Government

**-HB 3783 by Rinks** – This bill grants a state employee that has a spouse who is a member of the United States armed forces one day off from work with pay upon the deployment or return from deployment of the spouse.

**-HB 3379 by Langster** – Authorizes departments and agencies to elect to participate in a smoking cessation program for employees, including payment of one round of medication. This bill also requires the commissioner of health to provide uniform guidelines for such program.

**-HB 3210 by Moore** – This bill enacts the “Tennessee Responsible Vendor Act of 2006.”

**-HB 3967 by U. Jones** – This bill authorizes the application of the emergency telephone service charge to non-wireline services that connect callers to public safety answering points.

## *Bills Taken Off Notice:*

**-HB 261 by Stanley**

**-HB 3699 by Armstrong**

**-HB 3251 by R. Johnson**

All other bills were rolled to a later calendar.

## State Government Subcommittee

This week in the State Government Subcommittee, the committee considered 38 bills. Twenty-six bills passed to full committee and the remainder were either taken off notice or failed in subcommittee.

## *Bills passed to full committee:*

**-HB 3266 by Fitzhugh** – This bill requires recommendations of the commission on compensation to be posted on the Web site of the general assembly.

**-HB 3269 by Fitzhugh** – Prohibits smoking in all state buildings.

**HB 3271 by Fitzhugh** – Establishes a one-time award of 30 sentence credits for an inmate’s successful completion of a GED or a therapeutic community program.

**-HB 3574 by Fitzhugh** – This allows the commissioner of general services to establish a procedure by which the state may purchase from list of vendors determined by competitive bidding.

**-HB 3740 by Fitzhugh** – This bill revises the provisions governing contracts for professional services. The bill also revises information required for debt obligation issuance under the Local Government Public Obligations Act of 1986.

**-HB 3747 by Fitzhugh** – This bill requires the state to pay the daily cost of housing prisoners confined to local jails when such prisoners, which are convicted of felonies, are arrested for a probation violation and awaiting a probation revocation hearing.

**HB 3298 by Niceley** – Prohibits a person convicted of a felony from being a lobbyist unless full citizenship rights have been duly restored.

**-HB 3689 by McMillan** – This bill provides that vendors and contractors must comply with the provisions of the section that prohibits gift giving only while actively engaged in selling or marketing to the state.

**-HB 4013 by McMillan** – Establishes qualifications for members employed by the Highway Patrol after July 1, 2006.

**-HB 4045 by McMillan** – This bill revises the provisions governing the commissioner of commerce and insurance obtaining a lien against a building or premises that had to be repaired, torn down, or demolished, or from which materials were removed and dangerous conditions remedied.

**-HB 3996 by McMillan** – This bill revises the dollar limit for purchases made pursuant to an informal purchasing procedure established by the director of purchases from \$10,000 to \$25,000 where the board of standards unanimously agrees, and from \$5,000 to \$10,000 where the board does not unanimously agree on the higher amount.



# State & Local Government

**-HB 3954 by Briley** – Requires the Lottery Corporation to establish a lottery ticket litter reduction program.

**-HB 3544 by Kernell** – Requires the members of the Tennessee Commission of Indian Affairs to be residents of the area from which they are selected. This bill also clarifies that members must represent unique areas of the state.

**-HB 3573 by Kernell** – This bill enacts the “Advocacy for Honest and Appropriate Government Spending Act.”

**-HB 2192 by Kernell** – This bill creates the West Tennessee Seismic Commission to study ways to mitigate earthquake damage in west Tennessee.

**-HB 3123 by Brooks (Knox)** – Permits state employees with children enrolled in schools to take off up to one day a month from work to voluntarily participate at their children’s schools.

**-HB 3780 by Rinks** – Requires the development of a statewide planning and mapping system for public buildings.

**-HB 3784 by Rinks** – This bill creates the military family assistance trust fund to assist financially uncertain military families.

**-HB 3498 by Mumpower** – Authorizes an individual, which no longer engages in lobbying, to request the ethics commission to place his or her lobbyist registration on inactive status for the remainder of the registration year.

**-SJR 531 by Burchett (Rinks)** – Designates the First Families of Tennessee as “The Official Register of Tennessee’s Early Settlers and Their Descendants.”

**-HB 1169 by Buck** – This bill increases from 200 ft to 250 ft distance required for a driver to give an audible warning on an obscured mountain highway curve.

**-HB 3161 by Windle** – This bill requires the State Treasurer to conduct an adequacy study of the statutory benefits awarded as the result of death or injury of a member of the National Guard in the line of duty.

**HB 3759 by Windle** – This requires department of correction to provide bullet-resistant vests to correctional officers transporting inmates outside penitentiary facilities.

**-HB 3162 by Windle** – This bill requires the commissioner of the department of veteran affairs, prior to setting the compensation for veterans service officers, to survey compensation of veterans service officers in other states.

**-HJR 1030 by McMillan** – Confirms James H. Ripley to the Tennessee Education Lottery Corporation.

**-HB 3963 by McMillan** – Makes technical changes and clarifies provisions of the Comprehensive Governmental Ethics Reform Act of 2006.

*State Government Subcommittee completed all business and is now closed.*

## Local Government Subcommittee

This week in the Local Government Subcommittee, the committee passed 4 bills to full committee. The subcommittee will conduct a *final meeting* next week.

*Bills passed to full committee:*

**-HB 3163 by Ferguson** – This bill creates a law enforcement position of private special deputy to be employed by private resort areas to serve as law enforcement for such areas. This bill also provides for the employment, qualifications, training, powers, jurisdiction and appointment of such officers.

**-HB 3829 by Coleman** – Requires TACIR to compile a study of solid waste in Tennessee and report to the general assembly by February 28, 2007.

**-HB 2495 by Fowlkes** – This bill enacts the “Sunshine In Government Improvement Act of 2006.”

**-HB 1605 by Davidson** – This bill applies the hotel motel tax cumulatively where the county and municipality have a tax in effect in situations where the county tax also applies within municipal limits.



Rep. Brooks (Knox)



Rep.  
Ferguson



Rep.  
Windle

# State & Local Government

## Elections Subcommittee

This week in the Elections Subcommittee, there were 6 bills on the calendar.

*Bills taken off notice:*

**-HB 3444 by Lynn**  
**-HB 3231 by Crider**

*Bills that failed:*

**-HB 3836 by Windle**  
**-HB 3193 by Maggart**  
**-HB 3140 by DuBois**  
**-HB 246 by DuBois**

**Elections Subcommittee completed all business and is now closed.**

## Full Committee



Chairman  
Pinion

The **House Transportation Committee** met April 18, 2006, to consider twelve bills.

**HB2497** (Winningham), **HB3712** (Winningham) and **HJR880** (Winningham) were deferred for one week. **HB3257** (U. Jones) was referred to the Special License Plate Committee. The bill authorizes issuance of Tennessee Emergency Medical Services Education Association (TEMSA) new specialty earmarked license plates and allocates 50 percent of funds derived from sale and renewal of such plates to TEMSA to fund

education and scholarship programs and purchase EMS equipment and supplies. **HB2532** (Pinion) was passed by the committee and referred to **Calendar and Rules**. As amended HB2532 establishes the criminal investigation division in statute within the highway patrol and explains its duties.

The following were passed by the committee and referred to the **Finance, Ways, and Means Committee**:



Rep. Marrero

**HB3236** (Marrero) - As amended, allows organ procurement agencies in Tennessee to create and maintain an electronic version of the organ and tissue donor registry. The Department of Safety, upon consent of the driver license holder at renewal, provides an individual's information to the registry. A brochure explaining the registry and legal implications of consent is to be provided.

**HB3431** (Tidwell) - As amended, allows certain motor vehicle offenses involving serious personal injury be punished as a Class B misdemeanor and have the convicted person's driver license suspended for up to six months.

The following highway sign bills were passed by the committee and referred to the **Finance, Ways, and Means Committee**:

**HB2769** (L. Turner) - As amended, "Coretta Scott King Memorial Highway," segment of Interstate Highway 55 in Shelby County.

**HJR968** (Gresham) - "Alfred Hodges Memorial Bridge," Cypress Creek on S.R. 196 in Fayette County

**HJR941** (Mumpower) - "James C. 'Jim' Hutchinson Bridge," State Route 133 in Shady Valley, in Johnson County.

**HB3659** (Maddox) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Specialist James Dustin Carroll, Tennessee National Guard.

**HB3052** (Pinion) - Designates certain segments of highways as the "Purple Heart Trail."

## Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** convened April 18, 2006, to consider nine bills. **HB2789** (R. Johnson) and **HB2749** (Tidwell) was deferred to a summer study committee. **HB3584** (Gresham) and **HB3073** (Rowland) were deferred to 2007. **HB3838** (Brooks of Shelby Co.) and **HB1065** (Mumpower) were taken off notice.



The following bills were passed to the full **Transportation Committee**:

**HB3154** (M. Turner) - As amended, whenever a court requires a person who has violated certain traffic statutes to attend a driver education course, allows at the court's discretion the driver to attend the driver education course in his or her home county instead of the county where the citation was issued.

**HB242** (DuBois) - Requires all written driver license examinations be given in English. The bill was amended to correct the effective date to July 1, 2006.

**HB2584** (Rowland) - As amended, requires persons applying for initial registration plates or an original motor vehicle title, temporary operating permit, duplicate title or duplicate registration furnish a valid Tennessee driver's license or at least two acceptable forms of identification. If a licensed motor vehicle dealer or lienholder submits the application, it affirms the information on the application is accurate.

## Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met April 18, 2006 to consider ten bills. Action on and was deferred for one week. **HB939** (Towns) and HB1224 (Todd) were taken off notice. **HB3696** (B. Watson) failed.

# Transportation

The following bills were passed to the full **Transportation Committee**:

**HB311** (Lynn) – As amended, urges TDOT to study the use of tolls as a means of financing projects, including a possible toll bridge in Sumner County.

**HB2922** (Hill) – As amended, requires TDOT before January 30 each year report to each member of the General Assembly the total amount of highway fund expenditures the previous calendar year per TDOT region and per county. Also, TDOT must report highway fund expenditures per capita by TDOT region and by county.

The following highway sign bills were passed to the full **Transportation Committee**:

**HB3642** (West) - “Wrenza Jordan Memorial Highway,” segment of State Route 255 (Donelson Pike) in Davidson County.

**HJR960** (Fowlkes) - “Dennis Trim Chunn Memorial Bridge,” U.S. Highway 31A in Brick Church community of Giles County.

**HB2503** (Rowland) - “Lane-Smith Bridge,” Manson Pike spanning I-24 in Rutherford County.

**HJR1022** (Davis) - “The Daniel Boone Bridge” Highway 36 over Boones Creek in Washington County.

**HJR1023** (Davis) - “Roy Lawrence Broyles Memorial Bridge,” Cherokee Creek on State Route 67 in Washington County.

**Public Transportation and Highways Subcommittee closed subject to the call of the chair.**

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